

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**CASE NO. 1:25-cv-22860-EA**

**Albert J. Santoro, Esq.,**

Plaintiff,

v.

**Brian L. Tannebaum, Esq.,  
Et al.,**

Defendants.

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**ORDER TO RESPOND**

This cause comes before the Court on a sua sponte review of the record. Upon review of the second amended complaint [119], it is unclear whether Defendant Clark is a proper party to this action. It appears that the causes of action against Defendant Clark—intentional infliction of emotional distress and defamation—do not arise out of the same transaction or occurrence as the other causes of action—multiple RICO counts, separate instances of defamation by other defendants, abuse of process, and unjust enrichment—and thus may not satisfy the standard under Federal Rule of Civil Procedure 20(a) for Defendant Clark to be joined in this action. *See* Fed. R. Civ. P. 20(a)(2) (“Persons[] . . . may be joined in one action as defendants if[] . . . any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrence; and . . . any question of law or fact common to all defendants will arise in the action.”).

Therefore, it is **ORDERED AND ADJUDGED:**

1. The parties shall brief whether Defendant Clark is properly joined under Rule 20 and whether Defendant Clark should be dropped from this action pursuant to Rule 21, without prejudice to the plaintiff's ability to file the causes of action against him in a separate suit. *See* Fed. R. Civ. P. 21 ("On motion or its own, the court may at any time, on just terms, add or drop a party.").
2. The plaintiff's brief shall be within **14 days** of the issuance of this order. The defendants' briefs shall be due within **14 days** of the plaintiff's deadline. The plaintiff may file a reply within **7 days** of the defendants' deadline.
3. Defendant Clark shall file a brief separate from the other defendants. The other defendants may either file a joint response or separate responses.

**ORDERED** in Chambers in West Palm Beach, Florida, this 19th day of December 2025.



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ED ARTAU  
UNITED STATES DISTRICT JUDGE

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